G Appendix G: Existing Programs for Potential Enhancement to Achieve TMDL Implementation Goals

Capital Programs

- Set long-term capital program goals.
- Assess land purchase opportunities for forest protection, reforestation opportunities, and long-term opportunities for the spray irrigation disposal of wastewater effluent.
- Select priorities for capital program projects.

Critical Areas Law

- Assess adequacy of local Critical Areas ordinances and regulations.
- Conduct Critical Areas plan review decisions in light of TMDL goals.
- When appropriate, use Critical Areas management techniques to support TMDL implementation outside of the Critical Areas.

Drinking Water Supply

- Coordinate source water assessment and protection planning with TMDL goals.
- Prioritize initial TMDL implementation projects to coincide with drinking water supplies.
- Conduct water and sewer planning holistically to address both point sources and nonpoint sources, which is the hallmark of TMDL implementation.

Erosion and Sediment Control

- Identify key resource needs and programmatic enhancements that could benefit from additional resources.
- Identify efficient and effective measures beyond permit requirements that could be included in a program of pollutant offsets, including ways to track them.
- Determine whether any decisions within the erosion and sediment plan review process should serve as a TMDL consistency checkpoint.
- Assess existing variances to determine if any need to be reconsidered.

Forest Conservation Law and Management in General

- Assess adequacy of local forest conservation ordinances and regulations (e.g., formula for percentages of forest retained during construction).
- Account for TMDL goals in forest conservation planning, reviews and permitting decisions.
- Assess existing variances to determine if any need to be reconsidered.
- Assess whether forest restoration projects could provide information to support pollutant offset needs elsewhere.
- Track forest losses and share that information with other units of government that track landuse changes.
- Institute a full-cost recovery fee system to cover administrative costs.
- See Land Use Planning and Soil Conservation District functions.

Infrastructure Planning

- Plan water and sewer capacity for meeting TMDL goals.
- Check for Tier II waters when considering future surface water discharges to ensure consistency with antidegradation policies of the water quality standards.

http://www.mde.state.md.us/researchcenter/data/waterqualitystandards/index.asp

Land Use Planning and Implementation

- "Stream buffer and 100-year floodplain" Sensitive Areas land use plan elements relative to existing 303(d) listings based on biological data.
- "Steep slopes" Sensitive Areas land use plan elements relative to existing 303(d) listings for sediment and biological impairments.
- Include wetlands in the Sensitive Areas element of plans, since wetlands are often linked ecologically to stream buffers and the 100-year floodplain. Greater protection at planning stage will reduce the administrative burden associated with time-consuming and costly mitigation process.
- Consider Tier II antidegradation waters in the Sensitive Areas element to reduce the costs and administrative burdens associated with Tier II reviews.

http://www.mde.state.md.us/researchcenter/data/waterqualitystandards/index.asp

- Consider brook trout streams in the Sensitive Areas element to reduce the costs and administrative burdens associated with potential future Tier II reviews
- TMDL consistency in zoning and subdivision regulations

– Assess zoning as a planning tool to manage impervious cover and forest conservation.
– Determine whether plat reviews could serve as a potential decision point for TMDL consistency review (e.g., impacts of on-site sewage disposal systems).
– Refine loading assessments during the zoning process prior to platting decisions. Determine whether any new certificates or additional information is warranted during re-zoning and platting processes.
– Assess existing variances to determine if any need to be reconsidered.
– Assess existing fee structures to help support full-cost recovery for local government services and to set appropriate incentives for the location of future development (e.g., graduated fees).

Septic System Management

- Maximize use of the Bay Restoration Funding program:

▪ Homeowners and local governments can submit pre-applications for grant funds; local governments can submit proposals for block grants for use in targeted areas with problems and/or interested homeowners.
▪ Priorities: MDE hopes to include some targeting of installation of the new systems to maximize impact in the upgrade program. Once all proposals for failing systems in the Critical Area are addressed, all other proposals will then be considered.
▪ Grants will fund proven technologies as well as technologies already verified by 3rd parties, providing some flexibility in design/installation of systems.

- A maintenance contract will be required on the new systems. Revised regulations are being developed that will address this requirement for all BAT systems regulations.
- Contact John Boris, at MDE: jboris@mde.state.md.us

Stormwater Management

- Implement State and federal stormwater management regulations that apply.
- Implement and track retrofit activities for Maryland's Tributary Strategies.
- Consider the issues outlined for Erosion and Sediment Control, which might apply to stormwater management.
- For long-term planning, consider local roles in promoting air pollution controls as a preventive measure for reducing urban pollutants.

Soil Conservation District Functions

- See Erosion and Sediment Control above for Districts where this applies.
- Support for rural residential needs, e.g., horse pasture management.
- Assess potential enhancements to review and approval of agricultural and forestry wetlands determinations. Track changes in loads that result from determinations and the need for offsetting increased loads.
- Use full-cost recovery fee systems to fund additional workload associated with TMDL implementation.

Surface & Groundwater discharge permits

- Operate discharges in a manner consistent with NPDES permits.
- Manage land application of wastewater in a manner consistent with NPDES permits.
- Assess opportunities for future land application of wastewater to support development growth. Integrate this into land use planning and implementation processes.
- Assess opportunities for utilizing land preservation programs, and consider funding within the capital planning process.

Wetlands Programs

- Assess adequacy of local wetlands ordinances and regulations with emphasis on avoiding impacts to wetlands and buffers.
- Wetlands permit planning and permitting decisions should consider TMDLs.
- Assess wetlands restoration projects in light of TMDL pollutant offset goals.
- See Land Use Planning and Soil Conservation District functions.